

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL BAIL APPLICATION NO.499 OF 2006

IN

CRIMINAL APPEAL NO.77 OF 2005

Abdul Jalil Kadir Khan : Applicant.

versus

The State of Maharashtra : Respondent.

Smt.Anjali Patil-Contractor for the applicant.

Mr.D.R.More, APP, for the State.

CORAM : D.G.DESHPANDE

S.A.BOBDE, JJ.

DATED : JUNE 29, 2006.

P.C.

1. Heard advocate for the applicant and learned APP for the State. The applicant is original accused No.1. He is the husband of victim . He is convicted under Section 302 of

the Indian Penal Code. He is acquitted under Section 498-A of the Indian Penal Code. This is a case of bride burning. There are three dying declarations. In the 2nd dying declaration where specific role is attributed to each of the accused but no role is attributed to the present applicant. In the 3rd dying declaration, what is stated by the victim is that this applicant has assaulted her and then incident followed.

2. At least at this stage it is clear that this accused has no role in killing the wife by burning her. The applicant was on bail during trial for all the 13 years. The accused, who have been convicted and, those, to whom specific role in burning is attributed, have been granted bail. Therefore, this application is allowed. The applicant be released on his P.R. bond of Rs.10,000/- with one or two sureties in the like amount. Substantive sentence of the applicant is suspended, pending appeal. Fine, if any, should be paid by the applicant before he is released on bail

[D.G.DESHPANDE, J]

[S.A.BOBDE, J]